

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:06-cr-00031-MR-4**

UNITED STATES OF AMERICA,

vs.

DANNY LEE HALL.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion to Amend Judgment" [Doc. 285].

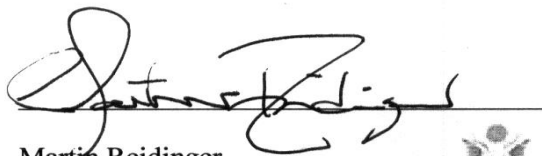
On April 4, 2006, the Defendant was charged along with eleven co-defendants in a Bill of Indictment with one count of conspiracy to possess with intent to distribute 500 grams or more of methamphetamine. It was specifically charge that the offense "involved the manufacture of methamphetamine and created a substantial risk of harm to human life and/or the environment," in violation of 21 U.S.C. §§ 841(a)(1) and 846. [Doc. 1]. On July 6, 2006, the Defendant pled guilty pursuant to a written plea agreement to the charge contained in the Bill of Indictment. On May 3, 2007, the Defendant was sentenced to a term of 130 months' imprisonment. [Doc. 233].

In his present motion, the Defendant seeks dismissal of “the Harm to Human [Life] Enhancement that was imposed at his sentencing” so that he may be eligible for a sentence reduction for his successful completion of the Residential Drug Abuse Program (RDAP). [Doc. 285]. The Defendant has stated no basis on which the Court can amend the Judgment in this case. The Defendant pled guilty to the conspiracy charge, including the enhancement for creating a substantial risk to human life, and he does not contend that his guilty plea was in any way unknowing or involuntary. The Defendant further did not file a direct appeal of his conviction or sentence, nor has he filed a motion to vacate his conviction under 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the Defendant’s “Motion to Amend Judgment” [Doc. 285] is **DENIED**.

IT IS SO ORDERED.

Signed: December 10, 2013


Martin Reidinger
United States District Judge

